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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 JOYCE HERNANDEZ, an individual,

14 Plaintiff,

15 v.

16 WALMART, INC., a Delaware corporation;
17 and DOES 1-50, inclusive,

18 Defendants.

Case No. 1:23-cv-01355-KES-SKO

**STIPULATION AND ORDER
REGARDING MODIFICATION OF
DISCOVERY DEADLINES**

(Doc. 27)

Complaint Filed: June 20, 2023

Removal Date: September 13, 2023

Trial Date: December 2, 2025

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7 JOYCE HERNANDEZ

TO THE COURT:

COMES NOW Plaintiff Joyce Hernandez and Defendant Walmart Inc., (collectively the “Parties”), by and through their counsel of record, and stipulate as follows:

WHEREAS, on September 30, 2024, the Court granted the Parties’ first request for a modification of the case schedule and issued an Order resetting the discovery and trial deadlines (Doc. 24);

WHEREAS, since October 2024, the Parties have been working cooperatively to complete necessary fact discovery;

WHEREAS, Defendant took Plaintiff’s deposition on November 21, 2024;

WHEREAS, Plaintiff served Notices of Deposition for Defendant’s Person Most Knowledgeable (PMK) and for Johnny Maltos for dates in December 2024;

WHEREAS, Plaintiff also served further sets of written discovery with deadlines in December 2024;

WHEREAS, on or about December 17, 2024, the Parties began meeting and conferring regarding the numerous PMK topics/categories and dates of availability for three defense witness depositions;

WHEREAS, due to several scheduling conflicts and unavailability of defense witnesses and counsel occasioned by the holidays, the Parties agreed to reset the deadline for Defendant to respond to Plaintiff’s written discovery to January 2025 and further agreed to schedule the defense depositions to occur thereafter;

WHEREAS, Defendant filed a Consent Order Granting Substitution of Attorney that was approved by the Court on January 16, 2025 (the “Consent Order”), and the Parties agreed to reset the deadline for Defendant to respond to Plaintiff’s written discovery to February 7, 2025;

WHEREAS, before the Consent Order was entered, Defendant’s prior counsel agreed to reset the deposition of Johnny Maltos to January 28, 2025, but Defendant’s new counsel has a conflict with that date such that the parties are in the process of selecting a new date for the deposition of Mr. Maltos and continue to work cooperatively on the scheduling of the remaining defense witness depositions and the PMK deposition;

1 WHEREAS, the Parties require additional time to complete fact discovery;

2 NOW, THEREFORE, to allow for the completion of fact discovery, the Parties stipulate to,
3 and respectfully request, a modification of the fact and expert discovery deadlines only, without
4 modification of any other deadlines, as follows:

- 5 1. An extension of the current fact discovery deadline of January 31, 2025 to March 28, 2025;
6 2. An extension of the current expert disclosure deadline of February 7, 2025 to April 7, 2025;
7 and
8 3. An extension of the current rebuttal expert disclosure deadline of February 21, 2025 to
9 April 21, 2025.

10 **IT IS SO STIPULATED.**

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12 Dated: January 28, 2025

**OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, LLP**

13
14 By: /s/ James T. Conley
James T. Conley
15 *Attorney for Defendant*
WALMART, INC.
16

17
18 Dated: January 28, 2025

BROCK & GONZALES, LLP

19 By: /s/ Douglas B. Hayes
Douglas B. Hayes
20 Kendall Weaver
21 *Attorneys for Plaintiff*
JOYCE HERNANDEZ
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ORDER

Before the Court is a stipulation by Plaintiff Joyce Hernandez and Defendant Walmart, Inc. to modify the fact and expert discovery deadlines as set forth in this Court's September 30, 2024 Scheduling Order ("the Scheduling Order") (Doc. 24). (Doc. 27.) The Court, having considered the stipulation and finding good cause, therefore HEREBY ORDERS the Scheduling Order MODIFIED AS FOLLOWS:

1. The fact discovery deadline is continued to March 28, 2025;
2. The expert disclosure deadline is continued to April 7, 2025; and
3. The rebuttal expert disclosure deadline is continued to April 21, 2025.

IT IS SO ORDERED.

Dated: **January 28, 2025**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE